

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Minnesota Life Insurance Company,
Advantus Capital Management, Inc.,
and Securian Financial Group, Inc.,

Civil No. 03-4383 (DWF/SRN)

Plaintiffs,

v.

**ORDER FOR DISMISSAL
WITH PREJUDICE**

AXA Investment Managers,
Frederick "Fritz" Feuerherm, and Wayne
Schmidt,

Defendants.

Daniel L. Scott, Esq., David M. Wilk, Esq., Lawrence R. King, Esq., Sarah L. Beuning, Esq., and Stephen P. Laitinen, Larson King; and Kathleen M. Mahoney, Esq., Nash Finch Company, counsel for Plaintiffs.

Gregory G. Pinski, Esq., Connor Shannon & Pinski PLLP; and Quentin R. Wittrock, Esq., Dean A. LeDoux, Esq., counsel for Defendant AXA Investment Managers.

Courtland C. Merrill, Esq., Richard T. Ostlund, Esq., and Mary L. Knoblauch, Esq., counsel for Defendants Frederick "Fritz" Feuerherm and Wayne Schmidt.

Pursuant to the Stipulation of the parties (Doc. No. 436) and Rule 41 of the Federal Rules of Civil Procedure,

IT IS HEREBY ORDERED that the above-entitled action be, and hereby is, **DISMISSED WITH PREJUDICE** and on the merits, and without costs or disbursements to either party.

Dated: October 5, 2005

s/Donovan W. Frank
DONOVAN W. FRANK
Judge of United States District Court